

REMARKS

No new matter is added by this amendment since it merely incorporates the Sequence Listing filed on compact disc with the instant application, which sequence listing is also part of the parent of the instant application (09/932,076).

In response to the Notice to Comply, the Applicants submit herewith a Preliminary Amendment to incorporate the Sequence Listing submitted on compact disc (CD) on July 7, 2003, into the specification.

According to 37 C.F.R. § 1.52(E), an electronic sequence listing may become part of the file of a patent application if the sequence listing is submitted in three identical CDs, and, pursuant to 37 C.F.R. § 1.52(E)(5), the specification contains an incorporation-by-reference of the sequence listing in a separate paragraph.

The Applicants note that *three* CDs each containing an identical copy of the Sequence Listing, as well as a Sequence Listing Certification, were submitted in this application under 37 C.F.R. § 1.52(E) on July 7, 2003. The CDs were labeled “CRF”, “COPY 1” and “COPY 2”. Photocopies of the labels for those CDs are provided herewith. This submission of these CDs meets the requirements of 37 C.F.R. § 1.52(E), except that the specification does not contain an incorporation-by-reference of the material on the compact disc in a separate paragraph, as required by 37 C.F.R. § 1.52(E)(5).

The Applicants submit herewith a Preliminary Amendment requesting entry of a paragraph into the instant specification to incorporate by reference the material on the compact discs submitted on June 7, 2003, as required by 37 C.F.R. § 1.52(E)(5). Upon entry of this amendment, the Applicants respectfully submit that the requirements of 37 C.F.R. § 1.52(E) have been met. Accordingly, the Applicants respectfully submit that an electronic sequence listing is part of the application, and no paper copy of the Sequence Listing should be required.

Applicants also discussed the above-referenced Notice to Comply with Exr. Christopher Low at the Sequence Listing Rules Interpretation Help Desk at (571) 272-0951 on May 17, 2004. Exr. Low stated that the instant application would be in compliance with 37 C.F.R. § 1.52(E) upon entry of the attached Preliminary Amendment, and, as such, no paper copy of the sequence listing should be required.

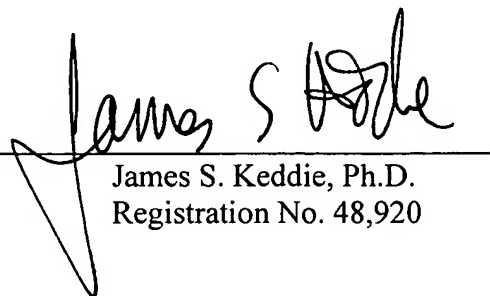
Accordingly, the Applicants respectfully submit that the instant application is now in compliance, and may be examined without any further delay.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number 2300-15990CON.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: May 20, 2004

By: _____

A handwritten signature in black ink, appearing to read "James S. Keddie", is written over a horizontal line. A large, stylized checkmark or flourish is drawn below the signature line.

James S. Keddie, Ph.D.
Registration No. 48,920

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MAY 20 2004

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/615,618 | 07/07/2003 | Jaime Escobedo | 2300-15990CON |

Chiron Corporation - Intellectual
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P.O. Box 8097
Emeryville, CA 94662

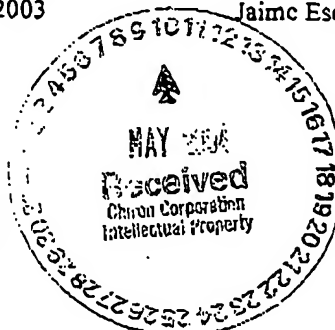
CONFIRMATION NO. 3379

FORMALITIES LETTER

OC000000012558671

Date Mailed: 05/07/2004

COPY



**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c). Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
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*A copy of this notice **MUST** be returned with the reply.*

May-11-04

01:47pm

From-Intellectual Property Department

510-655-3542

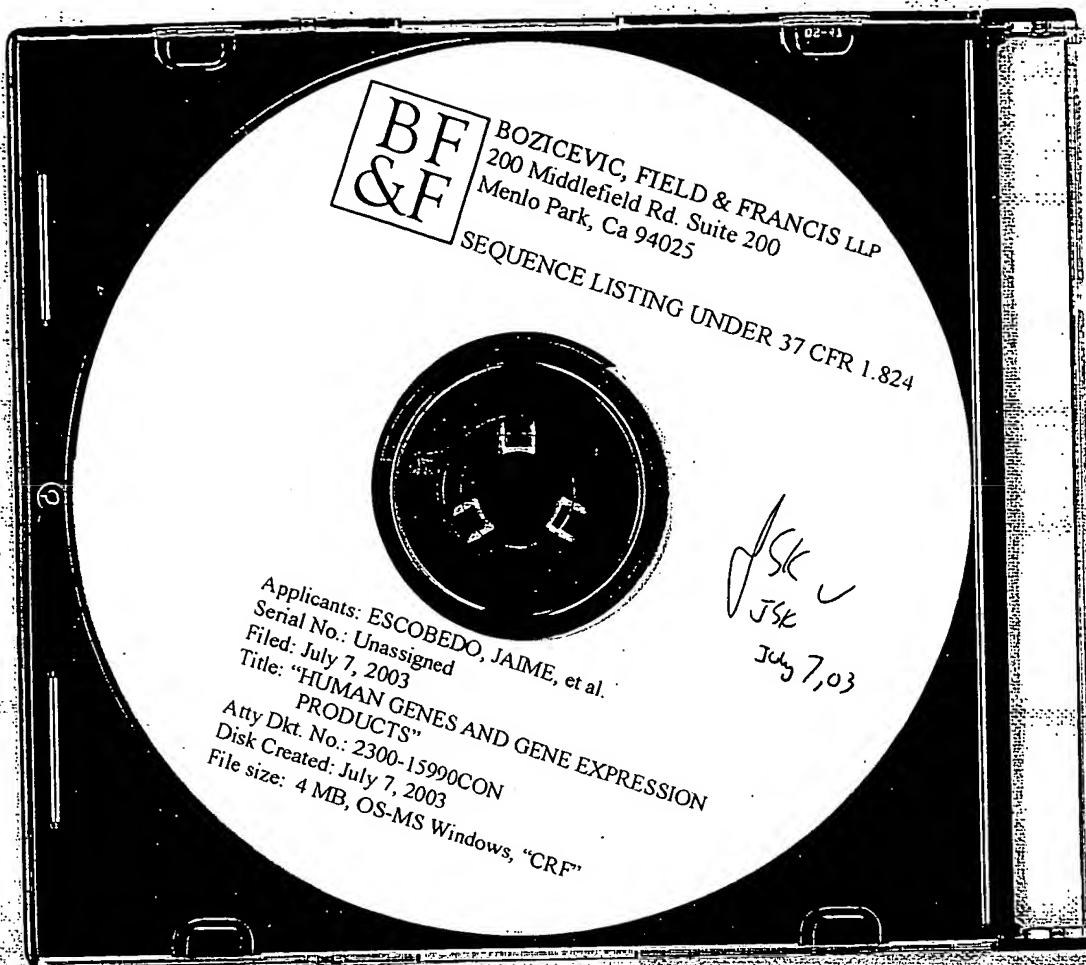
T-595 P.007/007 F-560

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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SEQUENCE LISTING UNDER 37 CFR 1.824

Applicants: ESCOBEDO, JAIME, et al.
Serial No.: Unassigned
Filed: July 7, 2003
Title: "HUMAN GENES AND GENE EXPRESSION
PRODUCTS"
Atty Dkt. No.: 2300-15990CON
Disk Created: July 7, 2003
File size: 4 MB, OS-MS Windows, "CRF"

JSK ✓
JSK
July 7, 03

